

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
20 February 2003 (20.02.2003)

PCT

(10) International Publication Number  
WO 03/014356 A1

(51) International Patent Classification<sup>7</sup>: C12N 15/60, 15/82, 9/88, 5/10, A01H 5/00, 5/10

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

(21) International Application Number: PCT/CA02/01050

(22) International Filing Date: 10 July 2002 (10.07.2002)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
60/311,180 9 August 2001 (09.08.2001) US

(71) Applicant (for all designated States except US): UNIVERSITY OF SASKATCHEWAN [CA/CA]; Office of Research Services, Room 208 Kirk Hall, 117 Science Place, Saskatoon, Saskatchewan S7N 5C8 (CA).

(72) Inventor; and

(75) Inventor/Applicant (for US only): HUCL, Pierre [CA/CA]; 1031 Aird Street, Saskatoon, Saskatchewan S7N 0S9 (CA).

(74) Agent: SINGLEHURST, John, C.; Finlayson & Singlehurst, 70 Gloucester Street, Ottawa, Ontario K2P 0A2 (CA).

(81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZM, ZW, ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

Declarations under Rule 4.17:

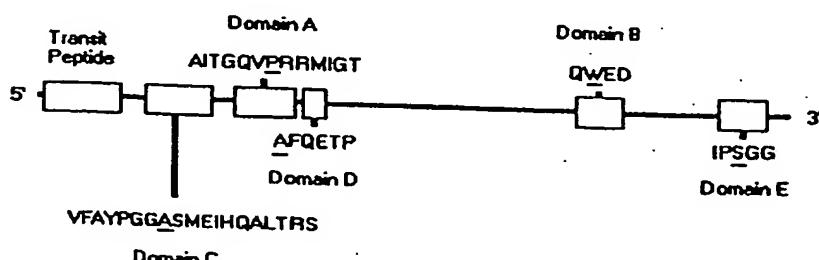
- as to applicant's entitlement to apply for and be granted a patent (Rule 4.17(iii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZM, ZW, ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)
- as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for all designations
- of inventorship (Rule 4.17(iv)) for US only

Published:

- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: WHEAT PLANTS HAVING INCREASED RESISTANCE TO IMIDAZOLINONE HERBICIDES



(57) Abstract: The present invention is directed to wheat plants having increased resistance to an imidazolinone herbicide. More particularly, the present invention includes wheat plants containing one or more IMI nucleic acids such as an Einkorn IMI cultivar. The present invention also includes seeds produced by these wheat plants and methods of controlling weeds in the vicinity of these wheat plants.

BEST AVAILABLE COPY

WO 03/014356 A1

## WHEAT PLANTS HAVING INCREASED RESISTANCE TO IMIDAZOLINONE HERBICIDES

### CROSS-REFERENCE TO RELATED APPLICATIONS

5 This application claims the priority benefit of U.S. Provisional Application Serial No. 60/311,180 filed August 9, 2001.

### FIELD OF THE INVENTION

The present invention relates in general to plants having an increased 10 resistance to imidazolinone herbicides. More specifically, the present invention relates to wheat plants obtained by mutagenesis and cross-breeding and transformation that have an increased resistance to imidazolinone herbicides.

### BACKGROUND OF THE INVENTION

15 Acetohydroxyacid synthase (AHAS; EC 4.1.3.18) is the first enzyme that catalyzes the biochemical synthesis of the branched chain amino acids valine, leucine and isoleucine (Singh B. K., 1999 Biosynthesis of valine, leucine and isoleucine in: Singh B. K. (Ed) Plant amino acids. Marcel Dekker Inc. New York, New York. Pg 227-247). AHAS is the site of action of four structurally diverse 20 herbicide families including the sulfonylureas (LaRossa RA and Falco SC, 1984 Trends Biotechnol. 2:158-161), the imidazolinones (Shaner et al., 1984 Plant Physiol. 76:545-546), the triazolopyrimidines (Subramanian and Gerwick, 1989 Inhibition of acetolactate synthase by triazolopyrimidines in (ed) Whitaker JR, Sonnet PE Biocatalysis in agricultural biotechnology. ACS Symposium Series, American 25 Chemical Society. Washington, D.C. Pg 277-288), and the pyrimidoxylbenzoates (Subramanian et al., 1990 Plant Physiol 94: 239-244.). Imidazolinone and sulfonylurea herbicides are widely used in modern agriculture due to their effectiveness at very low application rates and relative non-toxicity in animals. By inhibiting AHAS activity, these families of herbicides prevent further growth and 30 development of susceptible plants including many weed species. Several examples of commercially available imidazolinone herbicides are PURSUIT® (imazethapyr), SCEPTER® (imazaquin) and ARSENAL® (imazapyr). Examples of sulfonylurea herbicides are chlorsulfuron, metsulfuron methyl, sulfometuron methyl, chlorimuron

ethyl, thifensulfuron methyl, tribenuron methyl, bensulfuron methyl, nicosulfuron, ethametsulfuron methyl, rimsulfuron, triflusulfuron methyl, triasulfuron, primisulfuron methyl, cinosulfuron, amidosulfuron, fluzasulfuron, imazosulfuron, pyrazosulfuron ethyl and halosulfuron.

5 Due to their high effectiveness and low-toxicity, imidazolinone herbicides are favored for application by spraying over the top of a wide area of vegetation. The ability to spray an herbicide over the top of a wide range of vegetation decreases the costs associated with plantation establishment and maintenance and decreases the need for site preparation prior to use of such  
10 chemicals. Spraying over the top of a desired tolerant species also results in the ability to achieve maximum yield potential of the desired species due to the absence of competitive species. However, the ability to use such spray-over techniques is dependent upon the presence of imidazolinone resistant species of the desired vegetation in the spray over area.

15 Among the major agricultural crops, some leguminous species such as soybean are naturally resistant to imidazolinone herbicides due to their ability to rapidly metabolize the herbicide compounds (Shaner and Robinson, 1985 Weed Sci. 33:469-471). Other crops such as corn (Newhouse et al., 1992 Plant Physiol. 100:882-886) and rice (Barrette et al., 1989 Crop Safeners for Herbicides, Academic Press New York, pp. 195-220) are somewhat susceptible to imidazolinone herbicides.  
20 The differential sensitivity to the imidazolinone herbicides is dependent on the chemical nature of the particular herbicide and differential metabolism of the compound from a toxic to a non-toxic form in each plant (Shaner et al., 1984 Plant Physiol. 76:545-546; Brown et al., 1987 Pestic. Biochem. Physiol. 27:24-29). Other  
25 plant physiological differences such as absorption and translocation also play an important role in sensitivity (Shaner and Robinson, 1985 Weed Sci. 33:469-471).

Crop cultivars resistant to imidazolinones, sulfonylureas and triazolopyrimidines have been successfully produced using seed, microspore, pollen, and callus mutagenesis in *Zea mays*, *Arabidopsis thaliana*, *Brassica napus*, *Glycine max*, and *Nicotiana tabacum* (Sebastian et al., 1989 Crop Sci. 29:1403-1408; Swanson et al., 1989 Theor. Appl. Genet. 78:525-530; Newhouse et al., 1991 Theor. Appl. Genet. 83:65-70; Sathasivan et al., 1991 Plant Physiol. 97:1044-1050; Mourand et al., 1993 J. Heredity 84: 91-96). In all cases, a single, partially dominant nuclear

gene conferred resistance. Four imidazolinone resistant wheat plants were also previously isolated following seed mutagenesis of *Triticum aestivum* L. cv Fidel (Newhouse et al., 1992 Plant Physiol. 100:882-886). Inheritance studies confirmed that a single, partially dominant gene conferred resistance. Based on allelic studies, 5 the authors concluded that the mutations in the four identified lines were located at the same locus. One of the Fidel cultivar resistance genes was designated FS-4 (Newhouse et al., 1992 Plant Physiol. 100:882-886).

Computer-based modeling of the three dimensional conformation of the AHAS-inhibitor complex predicts several amino acids in the proposed inhibitor 10 binding pocket as sites where induced mutations would likely confer selective resistance to imidazolinones (Ott et al., 1996 J. Mol. Biol. 263:359-368) Wheat plants produced with some of these rationally designed mutations in the proposed binding sites of the AHAS enzyme have in fact exhibited specific resistance to a single class of herbicides (Ott et al., 1996 J. Mol. Biol. 263:359-368).

15 Plant resistance to imidazolinone herbicides has also been reported in a number of patents. U.S. Patent Nos. 4,761,373, 5,331,107, 5,304,732, 6,211,438, 6,211,439 and 6,222,100 generally describe the use of an altered AHAS gene to elicit 20 herbicide resistance in plants, and specifically discloses certain imidazolinone resistant corn lines. U.S. Patent No. 5,013,659 discloses plants exhibiting herbicide resistance possessing mutations in at least one amino acid in one or more conserved regions. The mutations described therein encode either cross-resistance for 25 imidazolinones and sulfonylureas or sulfonylurea-specific resistance, but imidazolinone-specific resistance is not described. Additionally, U.S. Patent No. 5,731,180 and U.S. Patent No. 5,767,361 discuss an isolated gene having a single amino acid substitution in a wild-type monocot AHAS amino acid sequence that results in imidazolinone-specific resistance.

To date, the prior art has not described imidazolinone resistant wheat 30 plants containing more than one altered AHAS gene. Nor has the prior art described imidazolinone resistant wheat plants containing mutations on genomes other than the genome from which the FS-4 gene is derived. Therefore, what is needed in the art is the identification of imidazolinone resistance genes from additional genomes. What are also needed in the art are wheat plants having increased resistance to herbicides such as imidazolinone and containing more than one altered AHAS gene. Also

needed are methods for controlling weed growth in the vicinity of such wheat plants. These compositions and methods would allow for the use of spray over techniques when applying herbicides to areas containing wheat plants.

## 5 SUMMARY OF THE INVENTION

The present invention provides wheat plants comprising IMI nucleic acids, wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant. The wheat plants can contain one, two, three or more IMI nucleic acids. In one embodiment, the wheat plant comprises 10 multiple IMI nucleic acids located on different genomes. Preferably, the IMI nucleic acids encode proteins comprising a mutation in a conserved amino acid sequence selected from the group consisting of a Domain A, a Domain B, a Domain C, a Domain D and a Domain E. More preferably, the mutation is in a conserved Domain 15 E or a conserved Domain C. Also provided are plant parts and plant seeds derived from the wheat plants described herein. In another embodiment, the wheat plant comprises an IMI nucleic acid that is not an Imi1 nucleic acid. The IMI nucleic acid can be an Imi2 or Imi3 nucleic acid, for example.

The IMI nucleic acids of the present invention can comprise a nucleotide sequence selected from the group consisting of: a polynucleotide of SEQ 20 ID NO:1; a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and a polynucleotide complementary to SEQ ID NO:1.

The plants of the present invention can be transgenic or non-transgenic. Examples of non-transgenic wheat plants having increased resistance to imidazolinone herbicides include a wheat plant having an ATCC Patent Deposit 25 Designation Number PTA-4113; or a mutant, recombinant, or genetically engineered derivative of the plant with ATCC Patent Deposit Designation Number PTA-4113; or of any progeny of the plant with ATCC Patent Deposit Designation Number PTA-4113; or a plant that is a progeny of any of these plants.

In addition to the compositions of the present invention, several 30 methods are provided. Described herein are methods of modifying a plant's tolerance to an imidazolinone herbicide comprising modifying the expression of an IMI nucleic acid in the plant. Also described are methods of producing a transgenic plant having increased tolerance to an imidazolinone herbicide comprising, transforming a plant.

cell with an expression vector comprising one or more IMI nucleic acids and generating the plant from the plant cell. The invention further includes a method of controlling weeds within the vicinity of a wheat plant, comprising applying an imidazolinone herbicide to the weeds and to the wheat plant, wherein the wheat plant  
5 has increased resistance to the imidazolinone herbicide as compared to a wild type variety of the wheat plant and wherein the plant comprises one or more IMI nucleic acids. In some preferred embodiments of these methods, the plants comprise multiple IMI nucleic acids that are located on different wheat genomes.

#### 10 BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 shows the partial cDNA sequence of Einkorn IMI3 (SEQ ID NO:1).

Figure 2 shows the partial cDNA sequence of Einkorn IMI3 as compared to a wild type Einkorn sequence (SEQ ID NO:2) and a consensus sequence (SEQ ID NO:3).  
15

Figure 3 is a schematic representation of the conserved amino acid sequences in the AHAS genes implicated in resistance to various AHAS inhibitors. The specific amino acid site responsible for resistance is indicated by an underline. (Modified from Devine, M. D. and Eberlein, C. V., 1997 Physiological, biochemical  
20 and molecular aspects of herbicide resistance based on altered target sites in Herbicide Activity: Toxicity, Biochemistry, and Molecular Biology, IOS Press Amsterdam, p. 159-185).

Figure 4 is a table showing parental wheat lines used to determine allelic relationships among IMI genes.

25 Figure 5 is a table showing F2 segregation data demonstrating the location of the EM2 mutation on the A genome.

Figure 6 is a table showing various agronomic characteristics that could be affected by herbicide injury in both Einkorn control and EM2 plants.

Figure 7 is a table showing the evaluation of an Einkorn control and  
30 EM2 plants for overall crop injury at three rates of imazamox.

Figure 8 is a table showing increased resistance to imidazolinone herbicides in wheat cultivars upon stacking of IMI nucleic acids.

### DETAILED DESCRIPTION

The present invention is directed to wheat plants, wheat plant parts and wheat plant cells having increased resistance to imidazolinone herbicides. The present invention also includes seeds produced by the wheat plants described herein and methods for controlling weeds in the vicinity of the wheat plants described herein. It is to be understood that as used in the specification and in the claims, "a" or "an" can mean one or more, depending upon the context in which it is used. Thus, for example, reference to "a cell" can mean that at least one cell can be utilized.

As used herein, the term "wheat plant" refers to a plant that is a member of the *Triticum* genus. The wheat plants of the present invention can be members of a *Triticum* genus including, but not limited to, *T. aestivum*, *T. turgidum*, *T. timopheevii*, *T. monococcum*, *T. zhukovskyi* and *T. urartu* and hybrids thereof. Examples of *T. aestivum* subspecies included within the present invention are *aestivum* (common wheat), *compactum* (club wheat), *macha* (macha wheat), *vavilovi* (vavilovi wheat), *spelta* and *sphaerococcum* (shot wheat). Examples of *T. turgidum* subspecies included within the present invention are *turgidum*, *carthlicum*, *dicoccum*, *durum*, *paleocolchicum*, *polonicum*, *turanicum* and *dicoccoides*. Examples of *T. monococcum* subspecies included within the present invention are *monococcum* (einkorn) and *aegilopoides*. In one embodiment of the present invention, the wheat plant is a member of the *Triticum monococcum* species, and more particularly, the Einkorn accession.

The term "wheat plant" is intended to encompass wheat plants at any stage of maturity or development as well as any tissues or organs (plant parts) taken or derived from any such plant unless otherwise clearly indicated by context. Plant parts include, but are not limited to, stems, roots, flowers, ovules, stamens, leaves, embryos, meristematic regions, callus tissue, anther cultures, gametophytes, sporophytes, pollen, microspores, protoplasts and the like. The present invention also includes seeds produced by the wheat plants of the present invention. In one embodiment, the seeds are true breeding for an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the wheat plant seed.

The present invention describes a wheat plant comprising one or more IMI nucleic acids, wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant. As used

herein, the term "IMI nucleic acid" refers to a nucleic acid that is mutated from an AHAS nucleic acid in a wild type wheat plant that confers increased imidazolinone resistance to a plant in which it is transcribed. In one embodiment, the wheat plant comprises multiple IMI nucleic acids. As used when describing the IMI nucleic acids, the term "multiple" refers to IMI nucleic acids that have different nucleotide sequences and does not refer to a mere increase in number of the same IMI nucleic acid. For example, the IMI nucleic acids can be different due to the fact that they are derived from or located on different wheat genomes.

It is possible for the wheat plants of the present invention to have multiple IMI nucleic acids from different genomes since these plants can contain more than one genome. For example, a *Triticum aestivum* wheat plant contains three genomes sometimes referred to as the A, B and D genomes. Because AHAS is a required metabolic enzyme, it is assumed that each genome has at least one gene coding for the AHAS enzyme, commonly seen with other metabolic enzymes in hexaploid wheat that have been mapped. The AHAS nucleic acid on each genome can, and usually does, differ in its nucleotide sequence from an AHAS nucleic acid on another genome. One of skill in the art can determine the genome of origin of each AHAS nucleic acid through genetic crossing and/or either sequencing methods or exonuclease digestion methods known to those of skill in the art. For the purposes of this invention, IMI nucleic acids derived from one of the A, B or D genomes are distinguished and designated as Imi1, Imi2 or Imi3 nucleic acids. It is not stated herein that any particular Imi nucleic acid class correlates with any particular A, B or D genome. For example, it is not stated herein that the Imi1 nucleic acids correlate to A genome nucleic acids, that Imi2 nucleic acids correlate to B genome nucleic acids, etc. The Imi1, Imi2 and Imi3 designations merely indicate that the IMI nucleic acids within each such class do not segregate independently, whereas two IMI nucleic acids from different classes do segregate independently and may therefore be derived from different wheat genomes.

The Imi1 class of nucleic acids includes the FS-4 gene as described by Newhouse et al. (1992 Plant Physiol. 100:882-886). The Imi3 class of nucleic acids includes the Einkorn IMI3 gene described below. Each Imi class can include members from different wheat species. Therefore, each Imi class includes IMI nucleic acids that differ in their nucleotide sequence but that are nevertheless

designated as originating from, or being located on, the same wheat genome using inheritance studies as known to those of ordinary skill in the art.

Accordingly, the present invention includes a wheat plant comprising one or more IMI nucleic acids, wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant and wherein the one or more IMI nucleic acids are selected from a group consisting of an Imi1, Imi2 and Imi3 nucleic acid. In one embodiment, the plant comprises an Imi3 nucleic acid. In a preferred embodiment, the Imi3 nucleic acid comprises the polynucleotide sequence shown in SEQ ID NO:1. In another embodiment, the plant comprises an Imi1 or an Imi2 nucleic acid.

As used herein with regard to nucleic acids, the term "from" refers to a nucleic acid "located on" or "derived from" a particular genome. The term "located on" refers to a nucleic acid contained within that particular genome. As also used herein with regard to a genome, the term "derived from" refers to a nucleic acid that has been removed or isolated from that genome. The term "isolated" is defined in more detail below.

In another embodiment, the wheat plant comprises an IMI nucleic acid, wherein the nucleic acid is a non-Imi1 nucleic acid. The term "non-Imi1", refers to an IMI nucleic acid that is not a member of the Imi1 class as described above. One example of non-Imi1 nucleic acid is the polynucleotide sequence shown in SEQ ID NO:1. Accordingly, in a preferred embodiment, the wheat plant comprises an IMI nucleic acid comprising the polynucleotide sequence shown in SEQ ID NO:1.

The present invention includes wheat plants comprising one, two, three or more IMI nucleic acids, wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant. The IMI nucleic acids can comprise a nucleotide sequence selected from the group consisting of a polynucleotide of SEQ ID NO:1; a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and a polynucleotide complementary to SEQ ID NO:1.

The imidazolinone herbicide can be selected from, but is not limited to, PURSUIT® (imazethapyr), CADRE® (imazapic), RAPTOR® (imazamox), SCEPTER® (imazaquin), ASSERT® (imazethabenz), ARSENAL® (imazapyr), a derivative of any of the aforementioned herbicides, or a mixture of two or more of the

aforementioned herbicides, for example, imazapyr/imazamox (ODYSSEY®). More specifically, the imidazolinone herbicide can be selected from, but is not limited to, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl)-4-methyl-5-oxo-2-imidazolin-2-yl)-3-quinolinecarboxylic acid, 5-ethyl-2-(4-isopropyl-  
5 4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-methylnicotinic acid, and a mixture of methyl 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-m-toluate and methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-p-toluate. The use of 5-ethyl-2-(4-isopropyl-4-methyl-5-oxo-  
10 2-imidazolin-2-yl)-nicotinic acid and 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid is preferred. The use of 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid is particularly preferred.

In one embodiment, the wheat plant comprises two IMI nucleic acids,  
15 wherein the nucleic acids are derived from or located on different wheat genomes. Preferably, one of the two nucleic acids is an Imi3 nucleic acid. More preferably, the Imi3 nucleic acid comprises the polynucleotide sequence of SEQ ID NO:1. In another embodiment, the wheat plant comprises one IMI nucleic acid, wherein the nucleic acid comprises the polynucleotide sequence of SEQ ID NO:1. In yet another  
20 embodiment, the wheat plant comprises three or more IMI nucleic acids wherein each nucleic acid is from a different genome. Preferably, at least one of the three IMI nucleic acids comprises a polynucleotide sequence as shown in SEQ ID NO:1.

In a preferred embodiment of the present invention, the one or more IMI nucleic acids contained within the plant encode an amino acid sequence comprising a mutation in a domain that is conserved among several AHAS proteins. These conserved domains are referred to herein as Domain A, Domain B, Domain C, Domain D and Domain E. Figure 2 shows the general location of each domain in an AHAS protein. Domain A contains the amino acid sequence AITGQVPRRMIGT (SEQ ID NO:4). Domain B contains the amino acid sequence QWED (SEQ ID NO:5). Domain C contains the amino acid sequence VFAYPGGASMEIHQALTRS (SEQ ID NO:6). Domain D contains the amino acid sequence AFQETP (SEQ ID NO:7). Domain E contains the amino acid sequence IPSGG (SEQ ID NO:8). The present invention also contemplates that there may be slight variations in the

conserved domains, for example, in cockleberry plants, the serine residue in Domain E is replaced by an alanine residue.

Accordingly, the present invention includes a wheat plant comprising an IMI nucleic acid that encodes an amino acid sequence having a mutation in a 5 conserved domain selected from the group consisting of a Domain A, a Domain B, a Domain C, a Domain D and a Domain E. In one embodiment, the wheat plant comprises an IMI nucleic acid that encodes an amino acid sequence having a mutation in a Domain E. In further preferred embodiments, the mutations in the conserved domains occur at the locations indicated by the following underlining:

10 AITGQVPRRMIGT (SEQ ID NO:4); QWED (SEQ ID NO:5); VFAYPGGASMEIHQALTRS (SEQ ID NO:6); AFQETP (SEQ ID NO:7) and IPSGG (SEQ ID NO:8). One preferred substitution is asparagine for serine in Domain E (SEQ ID NO:8).

The wheat plants described herein can be either transgenic wheat 15 plants or non-transgenic wheat plants. As used herein, the term "transgenic" refers to any plant, plant cell, callus, plant tissue or plant part, that contains all or part of at least one recombinant polynucleotide. In many cases, all or part of the recombinant polynucleotide is stably integrated into a chromosome or stable extra-chromosomal element, so that it is passed on to successive generations. For the purposes of the 20 invention, the term "recombinant polynucleotide" refers to a polynucleotide that has been altered, rearranged or modified by genetic engineering. Examples include any cloned polynucleotide, or polynucleotides, that are linked or joined to heterologous sequences. The term "recombinant" does not refer to alterations of polynucleotides that result from naturally occurring events, such as spontaneous mutations, or from 25 non-spontaneous mutagenesis followed by selective breeding. Plants containing mutations arising due to non-spontaneous mutagenesis and selective breeding are referred to herein as non-transgenic plants and are included in the present invention. In embodiments wherein the wheat plant is transgenic and comprises multiple IMI nucleic acids, the nucleic acids can be derived from different genomes or from the 30 same genome. Alternatively, in embodiments wherein the wheat plant is non-transgenic and comprises multiple IMI nucleic acids, the nucleic acids are located on different genomes or on the same genome.

An example of a non-transgenic wheat plant cultivar comprising one IMI nucleic acid is the plant cultivar deposited with the ATCC under Patent Deposit Designation Number PTA-4113 and designated herein as the Einkorn IMI wheat cultivar. The Einkorn IMI wheat cultivar contains an Imi3 nucleic acid. The partial 5 nucleotide sequence corresponding to the Einkorn IMI gene is shown in SEQ ID NO:1.

A deposit of 2500 seeds of the Einkorn IMI wheat cultivars was made with the American Type Culture Collection, Manassas, Virginia on March 4, 2002. The deposit was made in accordance with the terms and provisions of the Budapest 10 Treaty relating to the deposit of microorganisms. The deposit was made for a term of at least thirty years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the ATCC. The deposited seeds were accorded Patent Deposit Designation Number PTA-4113.

The present invention includes the wheat plant having a Patent Deposit 15 Designation Number PTA-4113; a mutant, recombinant, or genetically engineered derivative of the plant with Patent Deposit Designation Number PTA-4113; any progeny of the plant with Patent Deposit Designation Number PTA-4113; and a plant that is the progeny of any of these plants. In a preferred embodiment, the wheat plant of the present invention additionally has the herbicide resistance characteristics of the 20 plant with Patent Deposit Designation Number PTA-4113.

Also included in the present invention are hybrids of the Einkorn IMI wheat cultivars described herein and another wheat cultivar. The other wheat cultivar includes, but is not limited to, *T. aestivum* L. cv Fidel and any wheat cultivar harboring a mutant gene FS-1, FS-2, FS-3 or FS-4. and another wheat cultivar 25 including, but not limited to, *T. aestivum* L. cv Fidel, and more particularly, those Fidel cultivars harboring mutant genes FS1, FS2, FS3 or FS4. (See U.S. Patent No. 6,339,184 and U.S. Patent Application No. 08/474,832).

The terms "cultivar" and "variety" refer to a group of plants within a species defined by the sharing of a common set of characteristics or traits accepted by 30 those skilled in the art as sufficient to distinguish one cultivar or variety from another cultivar or variety. There is no implication in either term that all plants of any given cultivar or variety will be genetically identical at either the whole gene or molecular level or that any given plant will be homozygous at all loci. A cultivar or variety is

considered "true breeding" for a particular trait if, when the true-breeding cultivar or variety is self-pollinated, all of the progeny contain the trait. In the present invention, the trait arises from a mutation in an AHAS gene of the wheat plant or seed.

In addition to wheat plants, the present invention encompasses isolated

5 IMI proteins and nucleic acids. The nucleic acids comprise a polynucleotide selected from the group consisting of a polynucleotide of SEQ ID NO:1; a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and a polynucleotide complementary to SEQ ID NO:1. In a preferred embodiment, the IMI nucleic acid comprises a polynucleotide sequence of SEQ ID NO:1.

10 The term "AHAS protein" refers to an acetohydroxyacid synthase protein and the term "IMI protein" refers to any AHAS protein that is mutated from a wild type AHAS protein and that confers increased imidazolinone resistance to a plant, plant cell, plant part, plant seed or plant tissue when it is expressed therein. In a preferred embodiment, the IMI protein comprises a polypeptide encoded by the 15 polynucleotide of SEQ ID NO:1. As also used herein, the terms "nucleic acid" and "polynucleotide" refer to RNA or DNA that is linear or branched, single or double stranded, or a hybrid thereof. The term also encompasses RNA/DNA hybrids. These terms also encompass untranslated sequence located at both the 3' and 5' ends of the coding region of the gene; at least about 1000 nucleotides of sequence upstream from 20 the 5' end of the coding region and at least about 200 nucleotides of sequence downstream from the 3' end of the coding region of the gene. Less common bases, such as inosine, 5-methylcytosine, 6-methyladenine, hypoxanthine and others can also be used for antisense, dsRNA and ribozyme pairing. For example, polynucleotides that contain C-5 propyne analogues of uridine and cytidine have been shown to bind 25 RNA with high affinity and to be potent antisense inhibitors of gene expression. Other modifications, such as modification to the phosphodiester backbone, or the 2'-hydroxy in the ribose sugar group of the RNA can also be made. The antisense polynucleotides and ribozymes can consist entirely of ribonucleotides, or can contain mixed ribonucleotides and deoxyribonucleotides. The polynucleotides of the 30 invention may be produced by any means, including genomic preparations, cDNA preparations, *in vitro* synthesis, RT-PCR and *in vitro* or *in vivo* transcription.

An "isolated" nucleic acid molecule is one that is substantially separated from other nucleic acid molecules, which are present in the natural source

of the nucleic acid (i.e., sequences encoding other polypeptides). Preferably, an "isolated" nucleic acid is free of some of the sequences that naturally flank the nucleic acid (i.e., sequences located at the 5' and 3' ends of the nucleic acid) in its naturally occurring replicon. For example, a cloned nucleic acid is considered  
5 isolated. In various embodiments, the isolated IMI nucleic acid molecule can contain less than about 5 kb, 4 kb, 3 kb, 2 kb, 1 kb, 0.5 kb or 0.1 kb of nucleotide sequences which naturally flank the nucleic acid molecule in genomic DNA of the cell from which the nucleic acid is derived (e.g., a *Triticum monococcum* cell). A nucleic acid is also considered isolated if it has been altered by human intervention, or placed in a  
10 locus or location that is not its natural site, or if it is introduced into a cell by agroinfection or biolistics. Moreover, an "isolated" nucleic acid molecule, such as a cDNA molecule, can be free from some of the other cellular material with which it is naturally associated, or culture medium when produced by recombinant techniques, or chemical precursors or other chemicals when chemically synthesized.

15 Specifically excluded from the definition of "isolated nucleic acids" are: naturally-occurring chromosomes (such as chromosome spreads), artificial chromosome libraries, genomic libraries, and cDNA libraries that exist either as an *in vitro* nucleic acid preparation or as a transfected/transformed host cell preparation, wherein the host cells are either an *in vitro* heterogeneous preparation or plated as a  
20 heterogeneous population of single colonies. Also specifically excluded are the above libraries wherein a specified nucleic acid makes up less than 5% of the number of nucleic acid inserts in the vector molecules. Further specifically excluded are whole cell genomic DNA or whole cell RNA preparations (including whole cell preparations that are mechanically sheared or enzymatically digested). Even further  
25 specifically excluded are the whole cell preparations found as either an *in vitro* preparation or as a heterogeneous mixture separated by electrophoresis wherein the nucleic acid of the invention has not further been separated from the heterologous nucleic acids in the electrophoresis medium (e.g., further separating by excising a single band from a heterogeneous band population in an agarose gel or nylon blot).

30 A nucleic acid molecule of the present invention, e.g., a nucleic acid molecule containing a nucleotide sequence of SEQ ID NO:1 or a portion thereof, can be isolated using standard molecular biology techniques and the sequence information provided herein. For example, a *T. monococcum* IMI cDNA can be isolated from a *T.*

*monococcum* library using all or a portion of the sequence of SEQ ID NO:1. Moreover, a nucleic acid molecule encompassing all or a portion of SEQ ID NO:1 can be isolated by the polymerase chain reaction using oligonucleotide primers designed based upon this sequence. For example, mRNA can be isolated from plant 5 cells (e.g., by the guanidinium-thiocyanate extraction procedure of Chirgwin et al., 1979 Biochemistry 18:5294-5299) and cDNA can be prepared using reverse transcriptase (e.g., Moloney MLV reverse transcriptase, available from Gibco/BRL, Bethesda, MD; or AMV reverse transcriptase, available from Seikagaku America, Inc., St. Petersburg, FL). Synthetic oligonucleotide primers for polymerase chain 10 reaction amplification can be designed based upon the nucleotide sequence shown in SEQ ID NO:1. A nucleic acid molecule of the invention can be amplified using cDNA or, alternatively, genomic DNA, as a template and appropriate oligonucleotide primers according to standard PCR amplification techniques. The nucleic acid molecule so amplified can be cloned into an appropriate vector and characterized by 15 DNA sequence analysis. Furthermore, oligonucleotides corresponding to an IMI nucleotide sequence can be prepared by standard synthetic techniques, e.g., using an automated DNA synthesizer.

The IMI nucleic acids of the present invention can comprise sequences encoding an IMI protein (i.e., "coding regions"), as well as 5' untranslated sequences 20 and 3' untranslated sequences. Alternatively, the nucleic acid molecules of the present invention can comprise only the coding regions of an IMI gene, or can contain whole genomic fragments isolated from genomic DNA. A coding region of these sequences is indicated as an "ORF position". Moreover, the nucleic acid molecule of the invention can comprise a portion of a coding region of an IMI gene, for example, 25 a fragment that can be used as a probe or primer. The nucleotide sequences determined from the cloning of the IMI genes from *T. monococcum* allow for the generation of probes and primers designed for use in identifying and/or cloning IMI homologs in other cell types and organisms, as well as IMI homologs from other wheat plants and related species. The portion of the coding region can also encode a 30 biologically active fragment of an IMI protein.

As used herein, the term "biologically active portion of" an IMI protein is intended to include a portion, e.g., a domain/motif, of an IMI protein that, when produced in a plant increases the plant's resistance to an imidazolinone

herbicide as compared to a wild-type variety of the plant. Methods for quantitating increased resistance to imidazolinone herbicides are provided in the Examples below.

Biologically active portions of an IMI protein include peptides encoded by polynucleotide sequences comprising SEQ ID NO:1 which include fewer amino acids

- 5 than a full length IMI protein and impart increased resistance to an imidazolinone herbicide upon expression in a plant. Typically, biologically active portions (e.g., peptides which are, for example, 5, 10, 15, 20, 30, 35, 36, 37, 38, 39, 40, 50, 100 or more amino acids in length) comprise a domain or motif with at least one activity of an IMI protein. Moreover, other biologically active portions in which other regions
- 10 of the polypeptide are deleted, can be prepared by recombinant techniques and evaluated for one or more of the activities described herein. Preferably, the biologically active portions of an IMI protein include one or more conserved domains selected from the group consisting of a Domain A, a Domain B, a Domain C, a Domain D and a Domain E, wherein the conserved domain contains a mutation.

- 15 The invention also provides IMI chimeric or fusion polypeptides. As used herein, an IMI "chimeric polypeptide" or "fusion polypeptide" comprises an IMI polypeptide operatively linked to a non-IMI polypeptide. A "non-IMI polypeptide" refers to a polypeptide having an amino acid sequence that is not substantially identical to an IMI polypeptide, e.g., a polypeptide that is not an IMI isoenzyme,
- 20 which peptide performs a different function than an IMI polypeptide. Within the fusion polypeptide, the term "operatively linked" is intended to indicate that the IMI polypeptide and the non-IMI polypeptide are fused to each other so that both sequences fulfill the proposed function attributed to the sequence used. The non-IMI polypeptide can be fused to the N-terminus or C-terminus of the IMI polypeptide. For example, in one embodiment, the fusion polypeptide is a GST-IMI fusion polypeptide in which the IMI sequence is fused to the C-terminus of the GST sequence. Such fusion polypeptides can facilitate the purification of recombinant IMI polypeptides.
- 25 In another embodiment, the fusion polypeptide is an IMI polypeptide containing a heterologous signal sequence at its N-terminus. In certain host cells (e.g., mammalian host cells), expression and/or secretion of an IMI polypeptide can be increased through use of a heterologous signal sequence.

An isolated nucleic acid molecule encoding an IMI polypeptide having sequence identity to a polypeptide encoded by a polynucleotide sequence of SEQ ID

NO:1 can be created by introducing one or more nucleotide substitutions, additions or deletions into a nucleotide sequence of SEQ ID NO:1 such that one or more amino acid substitutions, additions or deletions are introduced into the encoded polypeptide. Mutations can be introduced into a sequence of SEQ ID NO:1 by standard techniques,  
5 such as site-directed mutagenesis and PCR-mediated mutagenesis. Preferably, conservative amino acid substitutions are made at one or more predicted non-essential amino acid residues.

A "conservative amino acid substitution" is one in which the amino acid residue is replaced with an amino acid residue having a similar side chain.  
10 Families of amino acid residues having similar side chains have been defined in the art. These families include amino acids with basic side chains (e.g., lysine, arginine, histidine), acidic side chains (e.g., aspartic acid, glutamic acid), uncharged polar side chains (e.g., glycine, asparagine, glutamine, serine, threonine, tyrosine, cysteine), nonpolar side chains (e.g., alanine, valine, leucine, isoleucine, proline, phenylalanine,  
15 methionine, tryptophan), beta-branched side chains (e.g., threonine, valine, isoleucine) and aromatic side chains (e.g., tyrosine, phenylalanine, tryptophan, histidine). Thus, a predicted nonessential amino acid residue in an IMI polypeptide is preferably replaced with another amino acid residue from the same side chain family.  
20 Alternatively, in another embodiment, mutations can be introduced randomly along all or part of an IMI coding sequence, such as by saturation mutagenesis, and the resultant mutants can be screened for an IMI activity described herein to identify mutants that retain IMI activity. Following mutagenesis of the sequence of SEQ ID NO:1, the encoded polypeptide can be expressed recombinantly and the activity of the polypeptide can be determined by analyzing the imidazolinone resistance of a plant  
25 expressing the polypeptide as described in the Examples below.

To determine the percent sequence identity of two amino acid sequences, the sequences are aligned for optimal comparison purposes (e.g., gaps can be introduced in the sequence of one polypeptide for optimal alignment with the other polypeptide). The amino acid residues at corresponding amino acid positions are then  
30 compared. When a position in one sequence is occupied by the same amino acid residue as the corresponding position in the other sequence, then the molecules are identical at that position. The same type of comparison can be made between two nucleic acid sequences. The percent sequence identity between the two sequences is a

function of the number of identical positions shared by the sequences (i.e., percent sequence identity = numbers of identical positions/total numbers of positions x 100). For the purposes of the invention, the percent sequence identity between two nucleic acid or polypeptide sequences is determined using the Vector NTI 6.0 (PC) software package (InforMax, 7600 Wisconsin Ave., Bethesda, MD 20814). A gap opening penalty of 15 and a gap extension penalty of 6.66 are used for determining the percent identity of two nucleic acids. A gap opening penalty of 10 and a gap extension penalty of 0.1 are used for determining the percent identity of two polypeptides. All other parameters are set at the default settings.

It is to be understood that for the purposes of determining sequence identity, when comparing a DNA sequence to an RNA sequence, a thymidine nucleotide is equivalent to a uracil nucleotide. Preferably, the isolated IMI polypeptides included in the present invention are at least about 50-60%, preferably at least about 60-70%, and more preferably at least about 70-75%, 75-80%, 80-85%, 85-90% or 90-95%, and most preferably at least about 96%, 97%, 98%, 99% or more identical to an entire amino acid sequence encoded by a nucleic acid comprising a polynucleotide sequence shown in SEQ ID NO:1. In another embodiment, the isolated IMI polypeptides included in the present invention are at least about 50-60%, preferably at least about 60-70%, and more preferably at least about 70-75%, 75-80%, 80-85%, 85-90% or 90-95%, and most preferably at least about 96%, 97%, 98%, 99% or more identical to an entire amino acid sequence encoded by a nucleic acid comprising the polypeptide shown in SEQ ID NO:1.

Additionally, optimized IMI nucleic acids can be created. Preferably, an optimized IMI nucleic acid encodes an IMI polypeptide that modulates a plant's tolerance to imidazolinone herbicides, and more preferably increases a plant's tolerance to an imidazolinone herbicide upon its over-expression in the plant. As used herein, "optimized" refers to a nucleic acid that is genetically engineered to increase its expression in a given plant or animal. To provide plant optimized IMI nucleic acids, the DNA sequence of the gene can be modified to 1) comprise codons preferred by highly expressed plant genes; 2) comprise an A+T content in nucleotide base composition to that substantially found in plants; 3) form a plant initiation sequence, 4) eliminate sequences that cause destabilization, inappropriate polyadenylation, degradation and termination of RNA, or that form secondary

structure hairpins or RNA splice sites. Increased expression of IMI nucleic acids in plants can be achieved by utilizing the distribution frequency of codon usage in plants in general or a particular plant. Methods for optimizing nucleic acid expression in plants can be found in EPA 0359472; EPA 0385962; PCT Application No. WO 5 91/16432; U.S. Patent No. 5,380,831; U.S. Patent No. 5,436,391; Perlack et al., 1991 Proc. Natl. Acad. Sci. USA 88:3324-3328; and Murray et al., 1989 Nucleic Acids Res. 17:477-498.

As used herein, "frequency of preferred codon usage" refers to the preference exhibited by a specific host cell in usage of nucleotide codons to specify a 10 given amino acid. To determine the frequency of usage of a particular codon in a gene, the number of occurrences of that codon in the gene is divided by the total number of occurrences of all codons specifying the same amino acid in the gene. Similarly, the frequency of preferred codon usage exhibited by a host cell can be calculated by averaging frequency of preferred codon usage in a large number of 15 genes expressed by the host cell. It is preferable that this analysis be limited to genes that are highly expressed by the host cell. The percent deviation of the frequency of preferred codon usage for a synthetic gene from that employed by a host cell is calculated first by determining the percent deviation of the frequency of usage of a single codon from that of the host cell followed by obtaining the average deviation 20 over all codons. As defined herein, this calculation includes unique codons (i.e., ATG and TGG). In general terms, the overall average deviation of the codon usage of an optimized gene from that of a host cell is calculated using the equation  $1A = n = 1 Z X_n - Y_n X_n \times 100 Z$  where  $X_n$  = frequency of usage for codon n in the host cell;  $Y_n$  = frequency of usage for codon n in the synthetic gene, n represents an 25 individual codon that specifies an amino acid and the total number of codons is Z. The overall deviation of the frequency of codon usage, A, for all amino acids should preferably be less than about 25%, and more preferably less than about 10%.

Hence, an IMI nucleic acid can be optimized such that its distribution frequency of codon usage deviates, preferably, no more than 25% from that of highly 30 expressed plant genes and, more preferably, no more than about 10%. In addition, consideration is given to the percentage G+C content of the degenerate third base (monocotyledons appear to favor G+C in this position, whereas dicotyledons do not). It is also recognized that the XCG (where X is A, T, C, or G) nucleotide is the least

preferred codon in dicots whereas the XTA codon is avoided in both monocots and dicots. Optimized IMI nucleic acids of this invention also preferably have CG and TA doublet avoidance indices closely approximating those of the chosen host plant (i.e., *Triticum monoccicum*). More preferably these indices deviate from that of the host by no more than about 10-15%.

In addition to the nucleic acid molecules encoding the IMI polypeptides described above, another aspect of the invention pertains to isolated nucleic acid molecules that are antisense thereto. Antisense polynucleotides are thought to inhibit gene expression of a target polynucleotide by specifically binding the target polynucleotide and interfering with transcription, splicing, transport, translation and/or stability of the target polynucleotide. Methods are described in the prior art for targeting the antisense polynucleotide to the chromosomal DNA, to a primary RNA transcript or to a processed mRNA. Preferably, the target regions include splice sites, translation initiation codons, translation termination codons, and other sequences within the open reading frame.

The term "antisense", for the purposes of the invention, refers to a nucleic acid comprising a polynucleotide that is sufficiently complementary to all or a portion of a gene, primary transcript or processed mRNA, so as to interfere with expression of the endogenous gene. "Complementary" polynucleotides are those that are capable of base pairing according to the standard Watson-Crick complementarity rules. Specifically, purines will base pair with pyrimidines to form a combination of guanine paired with cytosine (G:C) and adenine paired with either thymine (A:T) in the case of DNA, or adenine paired with uracil (A:U) in the case of RNA. It is understood that two polynucleotides may hybridize to each other even if they are not completely complementary to each other, provided that each has at least one region that is substantially complementary to the other. The term "antisense nucleic acid" includes single stranded RNA as well as double-stranded DNA expression cassettes that can be transcribed to produce an antisense RNA. "Active" antisense nucleic acids are antisense RNA molecules that are capable of selectively hybridizing with a primary transcript or mRNA encoding a polypeptide having at least 80% sequence identity with the polypeptide encoded by a nucleic acid comprising a polynucleotide sequence of SEQ ID NO:1.

In addition to the IMI nucleic acids and polypeptides described above, the present invention encompasses these nucleic acids and polypeptides attached to a moiety. These moieties include, but are not limited to, detection moieties, hybridization moieties, purification moieties, delivery moieties, reaction moieties, 5 binding moieties, and the like. A typical group of nucleic acids having moieties attached are probes and primers. Probes and primers typically comprise a substantially isolated oligonucleotide. The oligonucleotide typically comprises a region of nucleotide sequence that hybridizes under stringent conditions to at least about 12, preferably about 25, more preferably about 40, 50 or 75 consecutive 10 nucleotides of a sense strand of the sequence set forth in SEQ ID NO:1, an anti-sense sequence of the sequence set forth in SEQ ID NO:1, or naturally occurring mutants thereof. Primers based on a nucleotide sequence of SEQ ID NO:1 can be used in PCR reactions to clone IMI homologs. Probes based on the IMI nucleotide sequences can be used to detect transcripts or genomic sequences encoding the same or 15 homologous polypeptides. In preferred embodiments, the probe further comprises a label group attached thereto, e.g. the label group can be a radioisotope, a fluorescent compound, an enzyme, or an enzyme co-factor. Such probes can be used as a part of a genomic marker test kit for identifying cells which express an IMI polypeptide, such as by measuring a level of an IMI-encoding nucleic acid, in a sample of cells, e.g., 20 detecting IMI mRNA levels or determining whether a genomic IMI gene has been mutated or deleted.

The invention further provides an isolated recombinant expression vector comprising an IMI nucleic acid as described above, wherein expression of the vector in a host cell results in increased resistance to an imidazolinone herbicide as 25 compared to a wild type variety of the host cell. As used herein, the term "vector" refers to a nucleic acid molecule capable of transporting another nucleic acid to which it has been linked. One type of vector is a "plasmid", which refers to a circular double stranded DNA loop into which additional DNA segments can be ligated. Another type of vector is a viral vector, wherein additional DNA segments can be 30 ligated into the viral genome. Certain vectors are capable of autonomous replication in a host cell into which they are introduced (e.g., bacterial vectors having a bacterial origin of replication and episomal mammalian vectors). Other vectors (e.g., non-episomal mammalian vectors) are integrated into the genome of a host cell upon

introduction into the host cell, and thereby are replicated along with the host genome. Moreover, certain vectors are capable of directing the expression of genes to which they are operatively linked. Such vectors are referred to herein as "expression vectors". In general, expression vectors of utility in recombinant DNA techniques are often in the form of plasmids. In the present specification, "plasmid" and "vector" can be used interchangeably as the plasmid is the most commonly used form of vector. However, the invention is intended to include such other forms of expression vectors, such as viral vectors (e.g., replication defective retroviruses, adenoviruses and adeno-associated viruses), which serve equivalent functions.

The recombinant expression vectors of the invention comprise a nucleic acid of the invention in a form suitable for expression of the nucleic acid in a host cell, which means that the recombinant expression vectors include one or more regulatory sequences, selected on the basis of the host cells to be used for expression, which is operably linked to the nucleic acid sequence to be expressed. Within a recombinant expression vector, "operably linked" is intended to mean that the nucleotide sequence of interest is linked to the regulatory sequence(s) in a manner which allows for expression of the nucleotide sequence (e.g., in an *in vitro* transcription/ translation system or in a host cell when the vector is introduced into the host cell). The term "regulatory sequence" is intended to include promoters, enhancers and other expression control elements (e.g., polyadenylation signals). Such regulatory sequences are described, for example, in Goeddel, Gene Expression Technology: Methods in Enzymology 185, Academic Press, San Diego, CA (1990) or see: Gruber and Crosby, in: Methods in Plant Molecular Biology and Biotechnology, eds. Glick and Thompson, Chapter 7, 89-108, CRC Press: Boca Raton, Florida, including the references therein. Regulatory sequences include those that direct constitutive expression of a nucleotide sequence in many types of host cells and those that direct expression of the nucleotide sequence only in certain host cells or under certain conditions. It will be appreciated by those skilled in the art that the design of the expression vector can depend on such factors as the choice of the host cell to be transformed, the level of expression of polypeptide desired, etc. The expression vectors of the invention can be introduced into host cells to thereby produce polypeptides or peptides, including fusion polypeptides or peptides, encoded.

by nucleic acids as described herein (e.g., IMI polypeptides, fusion polypeptides, etc.).

In a preferred embodiment of the present invention, the IMI polypeptides are expressed in plants and plant cells such as unicellular plant cells (such as algae) (see Falciatore *et al.*, 1999 Marine Biotechnology 1(3):239-251 and references therein) and plant cells from higher plants (e.g., the spermatophytes, such as crop plants). An IMI polynucleotide may be "introduced" into a plant cell by any means, including transfection, transformation or transduction, electroporation, particle bombardment, agroinfection, biolistics and the like.

Suitable methods for transforming or transfecting host cells including plant cells can be found in Sambrook, *et al.* (Molecular Cloning: A Laboratory Manual, 2<sup>nd</sup>, ed., Cold Spring Harbor Laboratory, Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY, 1989) and other laboratory manuals such as Methods in Molecular Biology, 1995, Vol. 44, Agrobacterium protocols, ed: Gartland and Davey, Humana Press, Totowa, New Jersey. As increased resistance to imidazolinone herbicides is a general trait wished to be inherited into a wide variety of plants like maize, wheat, rye, oat, triticale, rice, barley, soybean, peanut, cotton, rapeseed and canola, manihot, pepper, sunflower and tagetes, solaniaceous plants like potato, tobacco, eggplant, and tomato, Vicia species, pea, alfalfa, bushy plants (coffee, cacao, tea), Salix species, trees (oil palm, coconut), perennial grasses and forage crops, these crop plants are also preferred target plants for a genetic engineering as one further embodiment of the present invention. In a preferred embodiment, the plant is a wheat plant. Forage crops include, but are not limited to, Wheatgrass, Canarygrass, Bromegrass, Wildrye Grass, Bluegrass, Orchardgrass, Alfalfa, Salfoin, Birdsfoot Trefoil, Alsike Clover, Red Clover and Sweet Clover.

In one embodiment of the present invention, transfection of an IMI polynucleotide into a plant is achieved by Agrobacterium mediated gene transfer. One transformation method known to those of skill in the art is the dipping of a flowering plant into an Agrobacteria solution, wherein the Agrobacteria contains the IMI nucleic acid, followed by breeding of the transformed gametes. Agrobacterium mediated plant transformation can be performed using for example the GV3101(pMP90) (Koncz and Schell, 1986 Mol. Gen. Genet. 204:383-396) or LBA4404 (Clontech) *Agrobacterium tumefaciens* strain. Transformation can be

performed by standard transformation and regeneration techniques (Deblaere *et al.*, 1994 *Nucl. Acids. Res.* 13:4777-4788; Gelvin, Stanton B. and Schilperoort, Robert A, Plant Molecular Biology Manual, 2<sup>nd</sup> Ed. - Dordrecht : Kluwer Academic Publ., 1995. - in Sect., Ringbuc Zentrale Signatur: BT11-P ISBN 0-7923-2731-4; Glick, 5 Bernard R. and Thompson, John E., Methods in Plant Molecular Biology and Biotechnology, Boca Raton : CRC Press, 1993 360 S., ISBN 0-8493-5164-2). For example, rapeseed can be transformed via cotyledon or hypocotyl transformation (Moloney *et al.*, 1989 *Plant cell Report* 8:238-242; De Block *et al.*, 1989 *Plant Physiol.* 91:694-701). Use of antibiotics for Agrobacterium and plant selection 10 depends on the binary vector and the Agrobacterium strain used for transformation. Rapeseed selection is normally performed using kanamycin as selectable plant marker. Agrobacterium mediated gene transfer to flax can be performed using, for example, a technique described by Mlynarova *et al.*, 1994 *Plant Cell Report* 13:282-285. Additionally, transformation of soybean can be performed using for example a 15 technique described in European Patent No. 0424 047, U.S. Patent No. 5,322,783, European Patent No. 0397 687, U.S. Patent No. 5,376,543 or U.S. Patent No. 5,169,770. Transformation of maize can be achieved by particle bombardment, polyethylene glycol mediated DNA uptake or via the silicon carbide fiber technique. (See, for example, Freeling and Walbot "The maize handbook" Springer Verlag: New 20 York (1993) ISBN 3-540-97826-7). A specific example of maize transformation is found in U.S. Patent No. 5,990,387 and a specific example of wheat transformation can be found in PCT Application No. WO 93/07256.

According to the present invention, the introduced IMI polynucleotide may be maintained in the plant cell stably if it is incorporated into a non-chromosomal autonomous replicon or integrated into the plant chromosomes. Alternatively, the introduced IMI polynucleotide may be present on an extra-chromosomal non-replicating vector and be transiently expressed or transiently active. In one embodiment, a homologous recombinant microorganism can be created wherein the IMI polynucleotide is integrated into a chromosome, a vector is prepared 25 which contains at least a portion of an AHAS gene into which a deletion, addition or substitution has been introduced to thereby alter, e.g., functionally disrupt, the endogenous AHAS gene and to create an IMI gene. To create a point mutation via homologous recombination, DNA-RNA hybrids can be used in a technique known as 30

chimeroplasty (Cole-Strauss *et al.*, 1999 Nucleic Acids Research 27(5):1323-1330 and Kmiec, 1999 Gene therapy American Scientist 87(3):240-247). Other homologous recombination procedures in *Triticum* species are also well known in the art and are contemplated for use herein.

5 In the homologous recombination vector, the IMI gene can be flanked at its 5' and 3' ends by an additional nucleic acid molecule of the AHAS gene to allow for homologous recombination to occur between the exogenous IMI gene carried by the vector and an endogenous AHAS gene, in a microorganism or plant. The additional flanking AHAS nucleic acid molecule is of sufficient length for  
10 successful homologous recombination with the endogenous gene. Typically, several hundreds of base pairs up to kilobases of flanking DNA (both at the 5' and 3' ends) are included in the vector (see e.g., Thomas, K. R., and Capecchi, M. R., 1987 Cell 51:503 for a description of homologous recombination vectors or Strepp *et al.*, 1998 PNAS, 95(8):4368-4373 for cDNA based recombination in *Physcomitrella patens*).  
15 However, since the IMI gene normally differs from the AHAS gene at very few amino acids, a flanking sequence is not always necessary. The homologous recombination vector is introduced into a microorganism or plant cell (e.g., via polyethylene glycol mediated DNA), and cells in which the introduced IMI gene has homologously recombined with the endogenous AHAS gene are selected using art-known  
20 techniques.

In another embodiment, recombinant microorganisms can be produced that contain selected systems that allow for regulated expression of the introduced gene. For example, inclusion of an IMI gene on a vector placing it under control of the lac operon permits expression of the IMI gene only in the presence of IPTG. Such  
25 regulatory systems are well known in the art.

Whether present in an extra-chromosomal non-replicating vector or a vector that is integrated into a chromosome, the IMI polynucleotide preferably resides in a plant expression cassette. A plant expression cassette preferably contains regulatory sequences capable of driving gene expression in plant cells that are  
30 operably linked so that each sequence can fulfill its function, for example, termination of transcription by polyadenylation signals. Preferred polyadenylation signals are those originating from *Agrobacterium tumefaciens* t-DNA such as the gene 3 known as octopine synthase of the Ti-plasmid pTiACH5 (Gielen *et al.*, 1984 EMBO J.

3:835) or functional equivalents thereof, but also all other terminators functionally active in plants are suitable. As plant gene expression is very often not limited on transcriptional levels, a plant expression cassette preferably contains other operably linked sequences like translational enhancers such as the overdrive-sequence 5 containing the 5'-untranslated leader sequence from tobacco mosaic virus enhancing the polypeptide per RNA ratio (Gallie *et al.*, 1987 Nucl. Acids Research 15:8693-8711). Examples of plant expression vectors include those detailed in: Becker, D. *et al.*, 1992 New plant binary vectors with selectable markers located proximal to the left border, Plant Mol. Biol. 20:1195-1197; Bevan, M.W., 1984 Binary 10 *Agrobacterium* vectors for plant transformation, Nucl. Acid Res. 12:8711-8721; and Vectors for Gene Transfer in Higher Plants; in: Transgenic Plants, Vol. 1, Engineering and Utilization, eds.: Kung and R. Wu, Academic Press, 1993, S. 15-38.

Plant gene expression should be operably linked to an appropriate promoter conferring gene expression in a timely, cell or tissue specific manner. 15 Promoters useful in the expression cassettes of the invention include any promoter that is capable of initiating transcription in a plant cell. Such promoters include, but are not limited to those that can be obtained from plants, plant viruses and bacteria that contain genes that are expressed in plants, such as *Agrobacterium* and *Rhizobium*.

20 The promoter may be constitutive, inducible, developmental stage-preferred, cell type-preferred, tissue-preferred or organ-preferred. Constitutive promoters are active under most conditions. Examples of constitutive promoters include the CaMV 19S and 35S promoters (Odell *et al.* 1985 Nature 313:810-812), the sX CaMV 35S promoter (Kay *et al.* 1987 Science 236:1299-1302) the Sep1 25 promoter, the rice actin promoter (McElroy *et al.* 1990 Plant Cell 2:163-171), the *Arabidopsis* actin promoter, the ubiquitin promoter (Christensen *et al.* 1989 Plant Molec. Biol. 18:675-689); pEmu (Last *et al.* 1991 Theor. Appl. Genet. 81:581-588), the figwort mosaic virus 35S promoter, the Smas promoter (Velten *et al.* 1984 EMBO J. 3:2723-2730), the GRP1-8 promoter, the cinnamyl alcohol dehydrogenase 30 promoter (U.S. Patent No. 5,683,439), promoters from the T-DNA of Agrobacterium, such as mannopine synthase, nopaline synthase, and octopine synthase, the small subunit of ribulose biphosphate carboxylase (ssuRUBISCO) promoter, and the like.

Inducible promoters are active under certain environmental conditions, such as the presence or absence of a nutrient or metabolite, heat or cold, light, pathogen attack, anaerobic conditions, and the like. For example, the hsp80 promoter from *Brassica* is induced by heat shock, the PPDK promoter is induced by light, the 5 PR-1 promoter from tobacco, *Arabidopsis* and maize are inducible by infection with a pathogen, and the Adh1 promoter is induced by hypoxia and cold stress. Plant gene expression can also be facilitated via an inducible promoter (for review see Gatz, 1997 *Annu. Rev. Plant Physiol. Plant Mol. Biol.* 48:89-108). Chemically inducible promoters are especially suitable if time-specific gene expression is desired. 10 Examples of such promoters are a salicylic acid inducible promoter (PCT Application No. WO 95/19443), a tetracycline-inducible promoter (Gatz et al., 1992 *Plant J.* 2:397-404) and an ethanol inducible promoter (PCT Application No. WO 93/21334).

Developmental stage-preferred promoters are preferentially expressed at certain stages of development. Tissue and organ preferred promoters include those 15 that are preferentially expressed in certain tissues or organs, such as leaves, roots, seeds, or xylem. Examples of tissue preferred and organ preferred promoters include, but are not limited to fruit-preferred, ovule-preferred, male tissue-preferred, seed-preferred, integument-preferred, tuber-preferred, stalk-preferred, pericarp-preferred, and leaf-preferred, stigma-preferred, pollen-preferred, anther-preferred, a petal-preferred, sepal-preferred, pedicel-preferred, silique-preferred, stem-preferred, root-preferred promoters and the like. Seed preferred promoters are preferentially 20 expressed during seed development and/or germination. For example, seed preferred promoters can be embryo-preferred, endosperm preferred and seed coat-preferred. See Thompson et al., 1989 *BioEssays* 10:108. Examples of seed preferred promoters 25 include, but are not limited to cellulose synthase (celA), Cim1, gamma-zein, globulin-1, maize 19 kD zein (cZ19B1) and the like.

Other suitable tissue-preferred or organ-preferred promoters include the napin-gene promoter from rapeseed (U.S. Patent No. 5,608,152), the USP-promoter from *Vicia faba* (Baeumlein et al., 1991 *Mol Gen Genet.* 225(3):459-67), the oleosin-promoter from *Arabidopsis* (PCT Application No. WO 98/45461), the phaseolin-promoter from *Phaseolus vulgaris* (U.S. Patent No. 5,504,200), the Bce4-promoter from *Brassica* (PCT Application No. WO 91/13980) or the legumin B4 promoter (LeB4; Baeumlein et al., 1992 *Plant Journal*, 2(2):233-9) as well as

promoters conferring seed specific expression in monocot plants like maize, barley, wheat, rye, rice, etc. Suitable promoters to note are the *lpt2* or *lpt1*-gene promoter from barley (PCT Application No. WO 95/15389 and PCT Application No. WO 95/23230) or those described in PCT Application No. WO 99/16890 (promoters from 5 the barley hordein-gene, rice glutelin gene, rice oryzin gene, rice prolamin gene, wheat gliadin gene, wheat glutelin gene, oat glutelin gene, Sorghum kasirin-gene and rye secalin gene).

Other promoters useful in the expression cassettes of the invention include, but are not limited to, the major chlorophyll a/b binding protein promoter, 10 histone promoters, the *Ap3* promoter, the  $\beta$ -conglycin promoter, the *napin* promoter, the soy bean lectin promoter, the maize 15kD zein promoter, the 22kD zein promoter, the 27kD zein promoter, the *g*-zein promoter, the waxy, shrunken 1, shrunken 2 and bronze promoters, the *Zm13* promoter (U.S. Patent No. 5,086,169), the maize polygalacturonase promoters (PG) (U.S. Patent Nos. 5,412,085 and 5,545,546) and 15 the *SGB6* promoter (U.S. Patent No. 5,470,359), as well as synthetic or other natural promoters.

Additional flexibility in controlling heterologous gene expression in plants may be obtained by using DNA binding domains and response elements from heterologous sources (i.e., DNA binding domains from non-plant sources). An 20 example of such a heterologous DNA binding domain is the LexA DNA binding domain (Brent and Ptashne, 1985 Cell 43:729-736).

Another aspect of the invention pertains to host cells into which a recombinant expression vector of the invention has been introduced. The terms "host cell" and "recombinant host cell" are used interchangeably herein. It is understood 25 that such terms refer not only to the particular subject cell but they also apply to the progeny or potential progeny of such a cell. Because certain modifications may occur in succeeding generations due to either mutation or environmental influences, such progeny may not, in fact, be identical to the parent cell, but are still included within the scope of the term as used herein. A host cell can be any prokaryotic or eukaryotic 30 cell. For example, an IMI polynucleotide can be expressed in bacterial cells such as *C. glutamicum*, insect cells, fungal cells or mammalian cells (such as Chinese hamster ovary cells (CHO) or COS cells), algae, ciliates, plant cells, fungi or other

microorganisms like *C. glutamicum*. Other suitable host cells are known to those skilled in the art.

A host cell of the invention, such as a prokaryotic or eukaryotic host cell in culture, can be used to produce (i.e., express) an IMI polynucleotide.

5 Accordingly, the invention further provides methods for producing IMI polypeptides using the host cells of the invention. In one embodiment, the method comprises culturing the host cell of invention (into which a recombinant expression vector encoding an IMI polypeptide has been introduced, or into which genome has been introduced a gene encoding a wild-type or IMI polypeptide) in a suitable medium  
10 until IMI polypeptide is produced. In another embodiment, the method further comprises isolating IMI polypeptides from the medium or the host cell. Another aspect of the invention pertains to isolated IMI polypeptides, and biologically active portions thereof. An "isolated" or "purified" polypeptide or biologically active portion thereof is free of some of the cellular material when produced by recombinant  
15 DNA techniques, or chemical precursors or other chemicals when chemically synthesized. The language "substantially free of cellular material" includes preparations of IMI polypeptide in which the polypeptide is separated from some of the cellular components of the cells in which it is naturally or recombinantly produced. In one embodiment, the language "substantially free of cellular material"  
20 includes preparations of an IMI polypeptide having less than about 30% (by dry weight) of non-IMI material (also referred to herein as a "contaminating polypeptide"), more preferably less than about 20% of non-IMI material, still more preferably less than about 10% of non-IMI material, and most preferably less than about 5% non-IMI material.

25 When the IMI polypeptide, or biologically active portion thereof, is recombinantly produced, it is also preferably substantially free of culture medium, i.e., culture medium represents less than about 20%, more preferably less than about 10%, and most preferably less than about 5% of the volume of the polypeptide preparation. The language "substantially free of chemical precursors or other chemicals" includes preparations of IMI polypeptide in which the polypeptide is separated from chemical precursors or other chemicals that are involved in the synthesis of the polypeptide. In one embodiment, the language "substantially free of chemical precursors or other chemicals" includes preparations of an IMI polypeptide  
30

having less than about 30% (by dry weight) of chemical precursors or non-IMI chemicals, more preferably less than about 20% chemical precursors or non-IMI chemicals, still more preferably less than about 10% chemical precursors or non-IMI chemicals, and most preferably less than about 5% chemical precursors or non-IMI chemicals. In preferred embodiments, isolated polypeptides, or biologically active portions thereof, lack contaminating polypeptides from the same organism from which the IMI polypeptide is derived. Typically, such polypeptides are produced by recombinant expression of, for example, a *Triticum monococcum* IMI polypeptide in plants other than *Triticum monococcum* or microorganisms such as *C. glutamicum*, ciliates, algae or fungi.

The IMI polynucleotide and polypeptide sequences of the invention have a variety of uses. The nucleic acid and amino acid sequences of the present invention can be used to transform plants, thereby modulating the plant's resistance to imidazolinone herbicides. Accordingly, the invention provides a method of producing a transgenic plant having increased tolerance to an imidazolinone herbicide comprising, (a) transforming a plant cell with one or more expression vectors comprising one or more IMI nucleic acids, and (b) generating from the plant cell a transgenic plant with an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the plant. In one embodiment, the multiple IMI nucleic acids are derived from different genomes. Also included in the present invention are methods of producing a transgenic plant having increased tolerance to an imidazolinone herbicide comprising, (a) transforming a plant cell with an expression vector comprising an IMI nucleic acid, wherein the nucleic acid is a non-IMI nucleic acid and (b) generating from the plant cell a transgenic plant with an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the plant.

The present invention includes methods of modifying a plant's tolerance to an imidazolinone herbicide comprising modifying the expression of one or more IMI nucleic acids. Preferably, the nucleic acids are located on or derived from different genomes. The plant's resistance to the imidazolinone herbicide can be increased or decreased as achieved by increasing or decreasing the expression of an IMI polynucleotide, respectively. Preferably, the plant's resistance to the imidazolinone herbicide is increased by increasing expression of an IMI

polynucleotide. Expression of an IMI polynucleotide can be modified by any method known to those of skill in the art. The methods of increasing expression of IMI polynucleotides can be used wherein the plant is either transgenic or not transgenic. In cases when the plant is transgenic, the plant can be transformed with a vector containing any of the above described IMI coding nucleic acids, or the plant can be transformed with a promoter that directs expression of endogenous IMI polynucleotides in the plant, for example. The invention provides that such a promoter can be tissue specific or developmentally regulated. Alternatively, non-transgenic plants can have endogenous IMI polynucleotide expression modified by inducing a native promoter. The expression of polynucleotides comprising SEQ ID NO:1 in target plants can be accomplished by, but is not limited to, one of the following examples: (a) constitutive promoter, (b) chemical-induced promoter, and (c) engineered promoter over-expression with for example zinc-finger derived transcription factors (Greisman and Pabo, 1997 Science 275:657).

In a preferred embodiment, transcription of the IMI polynucleotide is modulated using zinc-finger derived transcription factors (ZFPs) as described in Greisman and Pabo, 1997 Science 275:657 and manufactured by Sangamo Biosciences, Inc. These ZFPs comprise both a DNA recognition domain and a functional domain that causes activation or repression of a target nucleic acid such as an IMI nucleic acid. Therefore, activating and repressing ZFPs can be created that specifically recognize the IMI polynucleotide promoters described above and used to increase or decrease IMI polynucleotide expression in a plant, thereby modulating the herbicide resistance of the plant.

As described in more detail above, the plants produced by the methods of the present invention can be monocots or dicots. The plants can be selected from maize, wheat, rye, oat, triticale, rice, barley, soybean, peanut, cotton, rapeseed, canola, manihot, pepper, sunflower, tagetes, solanaceous plants, potato, tobacco, eggplant, tomato, Vicia species, pea, alfalfa, coffee, cacao, tea, Salix species, oil palm, coconut, perennial grass and forage crops, for example. In a preferred embodiment, the plant is a wheat plant. Forage crops include, but are not limited to, Wheatgrass, Canarygrass, Bromegrass, Wildrye Grass, Bluegrass, Orchardgrass, Alfalfa, Salfoin, Birdsfoot Trefoil, Alsike Clover, Red Clover and Sweet Clover. In a preferred embodiment, the plant is a wheat plant. In each of the methods described

above, the plant cell includes, but is not limited to, a protoplast, gamete producing cell, and a cell that regenerates into a whole plant. As used herein, the term "transgenic" refers to any plant, plant cell, callus, plant tissue or plant part, that contains all or part of at least one recombinant polynucleotide. In many cases, all or 5 part of the recombinant polynucleotide is stably integrated into a chromosome or stable extra-chromosomal element, so that it is passed on to successive generations.

As described above, the present invention teaches compositions and methods for increasing the imidazolinone resistance of a wheat plant or seed as compared to a wild-type variety of the plant or seed. In a preferred embodiment, the 10 imidazolinone resistance of a wheat plant or seed is increased such that the plant or seed can withstand an imidazolinone herbicide application of preferably approximately 10-400 g ai ha<sup>-1</sup>, more preferably 20-160 g ai ha<sup>-1</sup>, and most preferably 40-80 g ai ha<sup>-1</sup>. As used herein, to "withstand" an imidazolinone herbicide application means that the plant is either not killed or not injured by such application.

15 Additionally provided herein is a method of controlling weeds within the vicinity of a wheat plant, comprising applying an imidazolinone herbicide to the weeds and to the wheat plant, wherein the wheat plant has increased resistance to the imidazolinone herbicide as compared to a wild type variety of the wheat plant, and wherein the plant comprises one or more IMI nucleic acids. In one embodiment, the 20 plant comprises multiple IMI nucleic acids located on or derived from different genomes. In another embodiment, the plant comprises a non-IMI nucleic acid. By providing for wheat plants having increased resistance to imidazolinone, a wide variety of formulations can be employed for protecting wheat plants from weeds, so as to enhance plant growth and reduce competition for nutrients. An imidazolinone herbicide can be used by itself for pre-emergence, post-emergence, pre-planting and 25 at-planting control of weeds in areas surrounding the wheat plants described herein or an imidazolinone herbicide formulation can be used that contains other additives. The imidazolinone herbicide can also be used as a seed treatment. Additives found in an imidazolinone herbicide formulation include other herbicides, detergents, adjuvants, spreading agents, sticking agents, stabilizing agents, or the like. The imidazolinone herbicide formulation can be a wet or dry preparation and can include, 30 but is not limited to, flowable powders, emulsifiable concentrates and liquid concentrates. The imidazolinone herbicide and herbicide formulations can be applied

in accordance with conventional methods, for example, by spraying, irrigation, dusting, or the like.

Throughout this application, various publications are referenced. The disclosures of all of these publications and those references cited within those 5 publications in their entireties are hereby incorporated by reference into this application in order to more fully describe the state of the art to which this invention pertains.

It should also be understood that the foregoing relates to preferred 10 embodiments of the present invention and that numerous changes may be made therein without departing from the scope of the invention. The invention is further illustrated by the following examples, which are not to be construed in any way as imposing 15 limitations upon the scope thereof. On the contrary, it is to be clearly understood that resort may be had to various other embodiments, modifications, and equivalents thereof, which, after reading the description herein, may suggest themselves to those skilled in the art without departing from the spirit of the present invention and/or the scope of the appended claims.

## EXAMPLES

20

### EXAMPLE 1

#### *Mutagenesis and Selection of Resistant Wheat Lines*

Approximately 15,000 seeds of the *Triticum monococcum* spring habit accession "TM23" was treated with EMS. The method used was: (1) presoak seed in water for four hours, (2) treat with 0.3% EMS for 16 hours, (3) rinse in water for 8 25 hours, (4) air-dry for four hours, and (5) plant the seed. Some of the harvested seed was further increased without selection for tolerance to imidazolinone herbicides. The harvested seed was planted and treated with 40 g/ha of imazamox. A total of 120 kg of seed was planted, resulting in approximately 2.4 million plants treated, assuming a kernel weight of 35 mg and 70% seedling emergence. The generation of 30 seed screened ranged from M2 to M5, with over 72% of seed at least M3. Five plants were identified as tolerant, designated EM1 through EM5, and transplanted to a greenhouse for seed production. EM2 was increased under imidazolinone herbicide selection prior to initial field testing (Example 4).

## EXAMPLE 2

*Transfer of EM2 from diploid Triticum monococcum to hexaploid T. aestivum ssp aestivum and then to tetraploid T. turgidum ssp durum*

5      EMIMI is the designation of the *T. monococcum* EM2 source parent. Crocus is the designation of the *T. aestivum* ssp *aestivum* parent used. 605 florets of crocus were pollinated with EMIMI pollen, resulting in 84  $F_1$  seed. 38,409 florets of the  $F_1$  plants were pollinated using Crocus pollen, resulting in 2 embryos which were embryo-rescued. The resultant  $BC_1F_1$  plants were selfed to  $BC_1F_2$  and treated with 20 g/ha of imazamox. Of the 24 plants so treated, 11 were fully resistant, 7 showed some injury, and 6 were susceptible. Resistant plants were crossed by the bread wheat variety Teal, representing the 3<sup>rd</sup> dose of bread wheat. Plants of the resultant line, with a pedigree of Crocus\*2/EMIMI//CDC Teal/3/ were crossed with either AC Elsa or AC Superb and coded respectively, 98PH8 (Elsa cross) and 98PH9 (Superb cross). 98PH8 was crossed an additional six times with AC Elsa and 98PH8 was crossed an additional six times with AC Superb. Two populations were coded as follows:

P00.35 = 98PH8/6\*Elsa = Crocus\*2/EM2//CDC Teal/3/7\*AC Elsa

20      P00.45 = 98PH9/6\*Superb = Crocus\*2/EM2//CDC Teal/3/7\*AC Superb

25      Segregation of the backcross-derived plants in both populations fit an expected 1:1 tolerant:susceptible single gene model when treated with 20 g/h of imazamox. As expected with that rate and a single heterozygous tolerance gene in a bread wheat background, the plants scored as tolerant sustained some injury. Doubled haploids were produced from each population using the maize pollination method. Seven resistant DH lines were obtained from P00.35 and 78 resistant DH lines were obtained from P00.45. Those used in subsequent work have been shown to breed true for herbicide tolerance.

30      *T. aestivum* was used as the bridging species to transfer the EM2 gene from *T. monococcum* to *T. turgidum*. In each generation, plants were treated with at least a 20 g/h rate of imazamox prior to selecting plants as parents. An intermediate *T. aestivum* conversion with the pedigree "Crocus\*2/EM2//CDC Teal/3/2\*AC

"Superb" tolerant to imazamox was crossed by the durum line AC Avonlea. The resultant F<sub>1</sub> plants were selfed to produce an F<sub>2</sub> population, from which 52/390 plants were identified as resistant (no injury from herbicide application). Some of these were used as females and crossed by AC Avonlea. The resultant BC<sub>1</sub>F<sub>1</sub> plants were again crossed by AC Avonlea. For the subsequent two generations, AC Avonlea was used as the female. The resultant line was designated 00DIMI#17 and had the pedigree: AC Avonlea\*2/3/Crocus\*2/EM2//CDC Teal/3/2\*AC Superb //3\*AC Avonlea. This line was selfed to the F<sub>2</sub>, and F<sub>2</sub> plants treated with 40 g/h of imazamox. Resistant F<sub>2</sub> plants were advanced to the F<sub>4</sub> generation. All 53 F<sub>4</sub> plants tested survived application of 80 g/h imazamox. Across F<sub>4</sub>:5 lines, no susceptible plants were found out of the 124 plants treated with 80 g/h of imazamox, indicating stable insertion of the EM2 gene into a durum background.

#### EXAMPLE 3

15 *Results Regarding Inheritance of IMI genes and Allelic Relationships Among IMI Genes*

In all the following discussion, the application rate of the imidazolinone herbicide imazamox that was used in the inheritance studies was 20 grams per hectare. This rate was sufficient to kill susceptible wheat plants. Parental material included is shown in Figure 4.

During the introgression process, the EM2 gene segregated as expected for a single partially dominant gene. *Triticum monococcum* from which the EM2 mutation was derived is a diploid wheat containing only the A genome. Hexaploid wheat has the A genome as well as the B and D genome. Assuming that during 25 introgression the EM2 gene was incorporated homologously into the A genome of hexaploid wheat as would be normally expected, then the EM2 mutation in parental materials "EM2" and "EM2FS4" described above would be on the A genome. The table below provides F<sub>2</sub> segregation data that help elucidate allelic relationships among the various mutants. No parental material, with the exception of the 30 susceptible line Teal had any susceptible plants when treated with imazamox; therefore, these data are not shown.

Lack of segregation in the F<sub>2</sub> generation indicates that parental lines share at least one allele at a particular locus. F<sub>2</sub> segregation ratios of 3:1, 15:1, and

63:1 indicate, respectively, one, two, and three independent loci. The segregation of 15A when crossed with the susceptible line Teal indicated two independent loci were involved with tolerance to imazamox (Figure 5, Line 2). EM2 is at a different locus than FS4 (Figure 5, Line 7). EM2 shares one locus with 15A (Figure 5, Line 3). FS4 5 shares one locus with 15A (Figure 5, Line 4). The EM2+FS4 parent crossed with 15A also did not segregate in the F<sub>2</sub> (Figure 5, Line 5). FS4 appears to be on the D genome (Jim Anderson, personal communication). EM2 should be on the A genome. Therefore, the two loci involved with tolerance to imazamox in 15A should be on the 10 A and D genomes. Parent 11A when crossed with the susceptible line Teal segregated as a single locus (Figure 5, Line 1). It was independent of the tolerance locus in EM2 (Figure 5, Line 6) and FS4 (Figure 5, Line 9). As would be expected from the lack of segregation of EM2 and FS4 with 15A, 11A was also independent of the loci in 15A (Figure 5, Line 10) and the EM2+FS4 parent (Figure 5, Line 8). Assuming that the AHAS genes are in a homologous set in hexaploid wheat, there are 15 only three expressed AHAS genes, and each of the expressed genes are on a different genome, then 11A should be on the B genome.

#### EXAMPLE 4

20 *Tolerance to IMI herbicides provided by EM2 in Einkorn, durum, and hexaploid wheat, and increased tolerance when combined with other non-allelic tolerance genes*

The EM2 line tolerant to imazamox (Example 1) was evaluated at a single field location for various agronomic characteristics that could be affected by herbicide injury. Data from the three years of evaluation are shown in Figure 6. The 1998 data are means of two replications. Yield data from 1999 and 2000 are means 25 of four replications. The other data from 1999 are means of two replications. The Einkora check was susceptible to 40 grams of imazamox, all plants dying. The EM2 mutation in Einkorn background conferred excellent tolerance to the 40 g/ha rate.

The EM2 line was evaluated for overall crop injury at three rates of imazamox, three times during the growing season. These data are presented in Figure 30 7. In 1999, only slight injury was seen initially, and symptoms gradually disappeared over the course of the season. In 2000, no injury was observed in the EM2 line, while the non-herbicide tolerant check was virtually killed.

The tolerance conferred by EM2 in durum (tetraploid) and bread wheat (hexaploid) backgrounds has also been demonstrated. The breeding history of the lines tested was previously described (Example 2). As indicated in Example 2, when F<sub>4.5</sub> lines of the EM2 durum recovery 00DIMI#17 were evaluated for tolerance to 80 g/h of imazamox, all plants were tolerant, while all plants of the susceptible durum line used as a check were killed, indicating that EM2 confers tolerance to the Imi class of herbicides in a durum background. The doubled haploid derived line P00.45, composed of EM2 in a hexaploid background, was tolerant to 20 g/ha imazamox as a parental check in allelism studies described in Example 3; all plants of the susceptible hexaploid check were killed at that rate.

The combination of more than one Imi-tolerance gene has been demonstrated to increase tolerance of wheat to imidazolinone herbicides. Four genotypes were tested for tolerance to two different rates of imazamox. Genotypes included an FS4 only line, BW755; Teal 15A, previously described as having two independent loci for tolerance to Imi-herbicides; a double-haploid derived line of EM2+FS4, and a line derived from the cross of 15A and 11A, through conventional bulk selection of the most tolerant plants over successive generations at increasing rates of imazamox. Rates of imazamox included 200 and 600 grams per hectare. Seedling injury of the 18 to 25 plants per treatment per genotype was rated on a per plant basis using five categories ranging from death to no injury. The data are summarized in Figure 8.

No plants were killed at either rate. The single gene line, BW755, containing FS4, was injured at both rates. Previous research has indicated that 11A and FS4 provide similar tolerance in bread wheat. The two two-gene lines, Teal 15A and EM2/FS4 reacted similarly. No injury occurred at the lower rate, demonstrating increased tolerance over the one gene plant, but all were injured at the higher rate. The three gene line was still segregating, as evidenced by some plants exhibiting injury at both rates, but approximately half the plants had no injury at the highest rate, demonstrating increased tolerance over either of the two gene lines.

## CLAIMS

We Claim:

1. A wheat plant comprising multiple IMI nucleic acids, wherein the nucleic acids are from different genomes and wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant.
2. The wheat plant of claim 1, wherein the multiple IMI nucleic acids are selected from the group consisting of an Imi1 nucleic acid, an Imi2 nucleic acid and an Imi3 nucleic acid.
3. The wheat plant of claim 1, wherein the multiple IMI nucleic acids encode proteins comprising a mutation in a conserved amino acid sequence selected from the group consisting of a Domain A, a Domain B, a Domain C, a Domain D and a Domain E.
4. The wheat plant of claim 3, wherein the conserved amino acid sequence is a Domain E.
5. The wheat plant of claim 4, wherein the mutation results in a serine to asparagine substitution in the IMI protein as compared to a wild-type AHAS protein.
6. The wheat plant of claim 1, wherein the multiple nucleic acids are selected from the group consisting of:
  - a) a polynucleotide comprising SEQ ID NO:1;
  - b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
  - c) a polynucleotide complementary to SEQ ID NO:1.
7. The wheat plant of claim 1, wherein one of the IMI nucleic acids comprises a polynucleotide sequence of SEQ ID NO:1.

8. The wheat plant of claim 1, comprising two IMI nucleic acids.
9. The wheat plant of claim 1, comprising three IMI nucleic acids.
10. The wheat plant of claim 8 or claim 9, comprising an Imi3 nucleic acid.
11. The wheat plant of any of claims 1-5, wherein the plant is transgenic.
12. The wheat plant of any of claims 1-5, wherein the plant is not transgenic.
13. The wheat plant of claim 1, wherein the imidazolinone herbicide is selected from the group consisting of 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl)-4-methyl-5-oxo-2-imidazolin-2-yl)-3-quinolinecarboxylic acid, 5-ethyl-2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-methylnicotinic acid, and a mixture of methyl 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-m-toluate and methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-p-toluate.
14. The wheat plant of claim 1, wherein the imidazolinone herbicide is 5-ethyl-2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid.
15. The wheat plant of claim 1, wherein the imidazolinone herbicide is 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid.
16. A plant part of the wheat plant of claim 1.
17. A plant cell of the wheat plant of claim 1.

18. A seed produced by the wheat plant of claim 1.
19. The seed of claim 18, wherein the seed is true breeding for an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the wheat plant seed.
20. A wheat plant comprising an IMI nucleic acid, wherein the nucleic acid is a non-Imi1 nucleic acid and wherein the wheat plant has increased resistance to an imidazolinone herbicide as compared to a wild-type variety of the plant.
21. The wheat plant of claim 20, wherein the IMI nucleic acid is an Imi3 nucleic acid.
22. The wheat plant of claim 20, wherein the IMI nucleic acid comprises a polynucleotide sequence of SEQ ID NO:1.
23. The wheat plant of claim 20, wherein the imidazolinone herbicide is selected from the group consisting of 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl)-4-methyl-5-oxo-2-imidazolin-2-yl)-3-quinolinecarboxylic acid, 5-ethyl-2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid, 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-methylnicotinic acid, and a mixture of methyl 6-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-m-toluate and methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-p-toluate.
24. The wheat plant of claim 20, wherein the imidazolinone herbicide is 5-ethyl-2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-nicotinic acid.

25. The wheat plant of claim 20, wherein the imidazolinone herbicide is 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-5-(methoxymethyl)-nicotinic acid.
26. A plant part of the wheat plant of claim 20.
27. A plant cell of the wheat plant of claim 20.
28. A seed produced by the wheat plant of claim 20.
29. The seed of claim 28, wherein the seed is true breeding for an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the wheat plant seed.
30. The wheat plant of claim 20, wherein the plant is transgenic.
31. The wheat plant of claim 20, wherein the plant is not transgenic.
32. The wheat plant of claim 31, wherein the plant has an ATCC Patent Deposit Designation Number PTA-4113; or is a recombinant or genetically engineered derivative of the plant with ATCC Patent Deposit Designation Number PTA-4113; or of any progeny of the plant with ATCC Patent Deposit Designation Number PTA-4113; or is a plant that is a progeny of any of these plants.
33. The wheat plant of claim 31, wherein the plant has an ATCC Patent Deposit Designation Number PTA-4113 or is a progeny of the plant with ATCC Patent Deposit Designation Number PTA-4113.
34. The wheat plant of claim 31, wherein the plant has the herbicide resistance characteristics of the plant with ATCC Patent Deposit Designation Number PTA-4113.

35. The wheat plant of claim 31, wherein the wheat plant has an ATCC Patent Deposit Designation Number PTA-4113.

36. An isolated IMI nucleic acid, wherein the nucleic acid comprises a polynucleotide selected from the group consisting of:

- a) a polynucleotide of SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- c) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

37. The isolated IMI nucleic acid of claim 36, wherein the nucleic acid comprises a polynucleotide of SEQ ID NO:1.

38. A method of controlling weeds within the vicinity of a wheat plant, comprising applying an imidazolinone herbicide to the weeds and the wheat plant, wherein the wheat plant has increased resistance to the imidazolinone herbicide as compared to a wild type variety of the wheat plant, wherein the plant comprises multiple IMI nucleic acids, and wherein the nucleic acids are from different genomes.

39. The method of claim 38, wherein the multiple IMI nucleic acids are selected from the group consisting of an Imi1 nucleic acid, an Imi2 nucleic acid and an Imi3 nucleic acid.

40. The method of claim 38, wherein the plant comprises an Imi3 nucleic acid.

41. The method of claim 38, wherein the multiple nucleic acids are selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- c) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

42. A method of controlling weeds within the vicinity of a wheat plant, comprising applying an imidazolinone herbicide to the weeds and to the wheat plant, wherein the wheat plant has increased resistance to the imidazolinone herbicide as compared to a wild type variety of the wheat plant, and wherein the plant comprises an IMI nucleic acid that is a non-Imi1 nucleic acid.

43. The method of claim 42, wherein the IMI nucleic acid is an Imi3 nucleic acid.

44. The method of claim 42, wherein IMI nucleic acid is selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- d) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

45. A method of modifying a plant's tolerance to an imidazolinone herbicide comprising modifying the expression of multiple IMI nucleic acids, wherein the nucleic acids are from different genomes.

46. The method of claim 45, wherein the multiple IMI nucleic acids are selected from the group consisting of an Imi1 nucleic acid, an Imi2 nucleic acid and an Imi3 nucleic acid.

47. The method of claim 45, wherein the plant comprises an Imi3 nucleic acid.

48. The method of claim 45, wherein the multiple nucleic acids are selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and

d) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

49. A method of modifying a plant's tolerance to an imidazolinone herbicide comprising modifying the expression of an IMI nucleic acid, wherein the nucleic acid is a non-Imi1 nucleic acid.

50. The method of claim 49, wherein the IMI nucleic acid is an Imi3 nucleic acid.

51. The method of claim 49, wherein the IMI nucleic acid is selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- c) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

52. A method of producing a transgenic plant having increased resistance to an imidazolinone herbicide comprising,

- a) transforming a plant cell with one or more expression vectors comprising multiple IMI nucleic acids, wherein the nucleic acids are derived from different genomes; and
- b) generating from the plant cell a transgenic plant with an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the plant.

53. The method of claim 52, wherein the multiple IMI nucleic acids are selected from the group consisting of an Imi1 nucleic acid, an Imi2 nucleic acid and an Imi3 nucleic acid.

54. The method of claim 52, wherein the plant comprises an Imi3 nucleic acid.

55. The method of claim 52, wherein the multiple nucleic acids are selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- c) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

56. A method of producing a transgenic plant having increased resistance to an imidazolinone herbicide comprising,

- a) transforming a plant cell with an expression vector comprising an IMI nucleic acid, wherein the nucleic acid is a non-Imi1 nucleic acid; and
- b) generating from the plant cell a transgenic plant with an increased resistance to an imidazolinone herbicide as compared to a wild type variety of the plant.

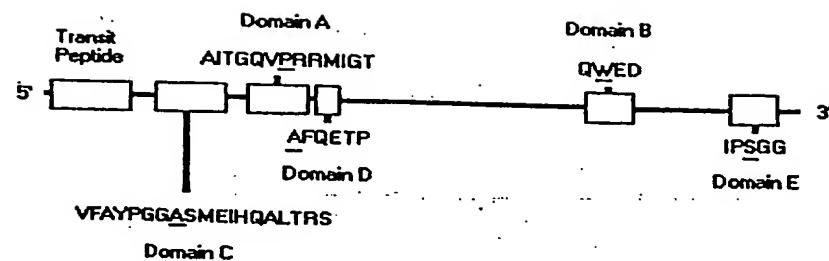
57. The method of claim 56, wherein the IMI nucleic acid is an Imi3 nucleic acid.

58. The method of claim 56, wherein the IMI nucleic acid is selected from the group consisting of:

- a) a polynucleotide comprising SEQ ID NO:1;
- b) a polynucleotide comprising at least 60 consecutive nucleotides of SEQ ID NO:1; and
- c) a polynucleotide complementary to the polynucleotide of SEQ ID NO:1.

2/6

Figure 3



3/6

Figure 4

Code	Description
EM2	Doubled haploid derived line from P00.45 (see Example 2)
11A	A hexaploid wheat line containing the homozygous IMI mutation 11A, shown to be non-allelic with both the 15A mutations and the FS4 mutation
EM2FS4	Doubled haploid derived line containing both the EM2 mutation from einkorn wheat introgressed into a hexaploid wheat background and the FS4 mutation in hexaploid wheat
15A	A hexaploid wheat line containing the homozygous IMI mutations 15A, shown to have two independent IMI tolerance genes, one of which was allelic to the FS4 mutation
FS4	A hexaploid wheat line containing the homozygous IMI mutation FS4, a single locus, located on the D genome (Jim Anderson, personal communication)
Teal	A hexaploid wheat susceptible to application of imazamox

4/6

Figure 5

Table Line#	Cross	Gen	Observed			Expected			p
			Toler.	Susc.	Ratio	Toler.	Susc.		
1	11A/Teal	F2	505	189	3:1	521	174	0.1742	
2	15A/Teal	F2	893	74	15:1	907	60	0.0716	
3	EM2/15A	F2	1940	0					
4	15A/FS4	F2	410	0					
5	EM2+FS4/15A	F2	1134	0					
6	EM2/11A	F2	1331	100	15:1	1342	89	0.2300	
7	EM2/FS4	F2	1192	72	15:1	1185	79	0.4160	
8	EM2+FS4/11A	F2	622	16	63:1	628	10	0.0580	
9	11A/FS4	F2	688	47	15:1	689	46	0.8714	
10	11A/15A	F2	600	14	63:1	604	10	0.1516	

Figure 6

	Einkorn check		EM2	
	imazamox, g/ha	imazamox, g/ha	imazamox, g/ha	imazamox, g/ha
1998	0	40	0	40
Yield (kg/ha)	3011	0	3792	3494
Heading (days)	52	0	52	53
Maturity (days)	79	0	79	79
Height (cm)	85	0	85	85
1999				
Yield (kg/ha)	2349	0	2687	3219
Heading (days)	63	0	62	62
Maturity (days)	110	0	110	110
Height (cm)	109	0	106	108
2000				
Yield (kg/ha)	2238	0	2676	2684

6/6

Figure 8

Genotype	g/ha Imazamox			
	200		600	
	%Injured	%No Injury	%Injured	%No Injury
BW755 (FS4)	100	0	100	0
Teal 15A (2 gene)	0	100	100	0
EM2/FS4 (2 gene)	0	100	100	0
15A/11A (3 gene)	33	67	48	52

## INTERNATIONAL SEARCH REPORT

Inte  
nal Application No  
PCT/CA 02/01050

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>		
IPC 7 C12N15/60 C12N15/82 C12N9/88 C12N5/10 A01H5/00 A01H5/10		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols) IPC 7 C12N A01H		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) <b>EPO-Internal, BIOSIS, EMBASE, SEQUENCE SEARCH</b>		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DATABASE EMBL 'Online! 8 November 2000 (2000-11-08) ANDERSON O.: retrieved from EBI Database accession no. BF200418 XP002224079 99.7% identity to SEQ ID NO:1 abstract	36
A	EP 0 508 161 A (AMERICAN CYANAMID CO) 14 October 1992 (1992-10-14)  the whole document	6,41,44, 48,51, 55,58
Y		1-6, 8-21, 23-31, 38-58
		-/-
<input checked="" type="checkbox"/>	Further documents are listed in the continuation of box C.	<input checked="" type="checkbox"/> Patent family members are listed in annex.
<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"I" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> <p>"T" later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>"&amp;" document member of the same patent family</p>		
Date of the actual completion of the international search  9 December 2002		Date of mailing of the international search report  02/01/2003
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2200 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax (+31-70) 340-3016		Authorized officer  Kania, T

## INTERNATIONAL SEARCH REPORT

Inte  
nal Application No  
PCT/CA 02/01050

C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>NEWHOUSE K E ET AL: "TOLERANCE TO IMIDAZOLINONE HERBICIDES IN WHEAT"      PLANT PHYSIOLOGY, AMERICAN SOCIETY OF PLANT PHYSIOLOGISTS, ROCKVILLE, MD, US,      vol. 100, no. 2, 16 March 1992 (1992-03-16), pages 882-886,      XP001093916      ISSN: 0032-0889      cited in the application      the whole document</p>	1-6, 8-21, 23-31, 38-58
Y	<p>SWANSON E B ET AL: "MICROSPORE MUTAGENESIS AND SELECTION CANOLA PLANTS WITH FIELD TOLERANCE TO THE IMIDAZOLINONES"      THEORETICAL AND APPLIED GENETICS,      vol. 78, no. 4, 1989, pages 525-530,      XP009002483      ISSN: 0040-5752      cited in the application      the whole document</p>	1-6, 8-21, 23-31, 38-58
A	<p>EP 0 525 384 A (AMERICAN CYANAMID CO)      3 February 1993 (1993-02-03)      the whole document</p>	
A	<p>EP 0 360 750 A (CIBA GEIGY AG)      28 March 1990 (1990-03-28)      85% identity to SEQ ID NO:1</p>	
A	<p>CHONG CHOM-KYU ET AL: "Amino acid residues conferring herbicide tolerance in tobacco acetolactate synthase."      BIOCHEMICAL AND BIOPHYSICAL RESEARCH COMMUNICATIONS,      vol. 279, no. 2, 20 December 2000 (2000-12-20), pages 462-467, XP002224077      ISSN: 0006-291X      the whole document</p>	3-5
A	<p>US 5 928 937 A (STOCKTON GERALD W ET AL)      27 July 1999 (1999-07-27)      the whole document</p>	
A	<p>WRIGHT T R ET AL: "Cell selection and inheritance of imidazolinone resistance in sugarbeet (<i>Beta vulgaris</i>)."      THEORETICAL AND APPLIED GENETICS,      vol. 96, no. 5, April 1998 (1998-04),      pages 612-620, XP002224078      ISSN: 0040-5752      page 618 -page 619      abstract</p>	

-/-

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 02/01050

## C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>SHANER DALE L ET AL: "Imidazolinone-resistant crops: Selection, characterization, and management." 1996 , HERBICIDE-RESISTANT CROPS: AGRICULTURAL, ENVIRONMENTAL, ECONOMIC,, PAGE(S) 143-157 , 1996 CRC PRESS, INC.;CRC PRESS BOCA RATON, FLORIDA, USA; LONDON, ENGLAND, UK XP001118963 ISBN: 1-56670-045-0 page 147 -page 152</p>	

**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

Int'l Application No  
**PCT/CA 02/01050**

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
EP 0508161	A 14-10-1992	AT 192625 T		15-05-2000
		AU 659142 B2		11-05-1995
		AU 1471092 A		15-10-1992
		CA 2065189 A1		09-10-1992
		CN 1065573 A ,B		28-10-1992
		CS 9201052 A3		18-11-1992
		DE 69231015 D1		15-06-2000
		DE 69231015 T2		28-09-2000
		DK 508161 T3		14-08-2000
		EP 0508161 A1		14-10-1992
		EP 0965265 A2		22-12-1999
		ES 2146202 T3		01-08-2000
		FI 921528 A		09-10-1992
		GR 3034169 T3		30-11-2000
		HU 62137 A2		28-04-1993
		IE 921101 A1		21-10-1992
		JP 5219848 A		31-08-1993
		MX 9201593 A1		01-10-1992
		NZ 242228 A		25-03-1994
		PT 508161 T		31-10-2000
		RU 2091010 C1		27-09-1997
		US 6339184 B1		15-01-2002
		ZA 9202511 A		30-12-1992
EP 0525384	A 03-02-1993	US 5731180 A		24-03-1998
		AT 197475 T		11-11-2000
		AU 2069492 A		04-02-1993
		AU 4335296 A		02-05-1996
		AU 9046098 A		14-01-1999
		BG 61276 B1		30-04-1997
		BG 96699 A		30-06-1994
		BR 9202950 A		30-03-1993
		CA 2074854 A1		01-02-1993
		CZ 9202385 A3		16-03-1994
		DE 69231551 D1		14-12-2000
		DE 69231551 T2		15-03-2001
		DK 525384 T3		27-11-2000
		EP 0525384 A2		03-02-1993
		ES 2153352 T3		01-03-2001
		FI 923444 A		01-02-1993
		GR 3035395 T3		31-05-2001
		HU 65483 A2		28-06-1994
		IE 922504 A1		10-02-1993
		JP 5227964 A		07-09-1993
		KR 243996 B1		01-02-2000
		MX 9204420 A1		01-02-1993
		NO 923017 A		01-02-1993
		NZ 243693 A		25-06-1993
		PL 295470 A1		31-05-1993
		PT 525384 T		30-04-2001
		RO 114348 B1		30-03-1999
		SK 238592 A3		11-07-1995
		US 6444875 B1		03-09-2002
		US 5767361 A		16-06-1998
		ZA 9205734 A		28-04-1993
EP 0360750	A 28-03-1990	AU 4171489 A		03-05-1990
		EP 0360750 A2		28-03-1990

## INTERNATIONAL SEARCH REPORT

Information on patent family members

Inte	ntl Application No
PCT/CA 02/01050	

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
EP 0360750	A	JP	2186925 A	23-07-1990
US 5928937	A	27-07-1999	US 5853973 A	29-12-1998
			AU 5575896 A	07-11-1996
			BR 9604993 A	30-11-1999
			CA 2218526 A1	24-10-1996
			CZ 9703317 A3	17-06-1998
			EP 0821729 A1	04-02-1998
			HU 9900852 A2	28-07-1999
			JP 11504213 T	20-04-1999
			NO 974803 A	19-12-1997
			NZ 307012 A	28-01-2000
			PL 322899 A1	02-03-1998
			WO 9633270 A1	24-10-1996
			NZ 500281 A	28-02-2000
			NZ 502491 A	28-04-2000

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**